UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/675,371	09/30/2003	Robert Beckstrom	6065/88622	5983

24628   7590   09/17/2007

WELSH & KATZ, LTD
120 S RIVERSIDE PLAZA
22ND FLOOR
CHICAGO, IL 60606

EXAMINER
DAYE, CHELCIE L

ART UNIT	PAPER NUMBER
2161	

MAIL DATE	DELIVERY MODE
09/17/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE _3_ MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on _25 July 2007_.

2a)☒ This action is **FINAL**.   2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) _1-20_ is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) _1-20_ is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All   b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
    Paper No(s)/Mail Date _____.

4) ☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date _____.
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

1.   This action is issued in response to applicant's amendment filed July 25, 2007.

2.   Claims 1-20 are presented. No claims added and none cancelled.

3.   Claims 1-20 are pending.

4.   Applicant's arguments filed July 25, 2007, have been fully considered but they

are not persuasive.

Claim Rejections - 35 USC § 112

6.   The following is a quotation of the first paragraph of 35 U.S.C. 112:

> The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

7.   Claims 1,11, and 20 are rejected under 35 U.S.C. 112, first paragraph, as failing

to comply with the written description requirement. The claim(s) contains subject matter,

which was not described in the specification in such a way as to reasonably convey to

one skilled in the relevant art that the inventor(s), at the time the application was filed,

had possession of the claimed invention.

Specifically, claims 1,11, and 20 recite, "monitoring a non-voice data session",

however, the specification does not provide adequate support for the monitored data

session to be non-voice. It is unclear to the examiner what the applicant interprets as

being a "non-voice" data session and where within the specification such interpretation

is supported. As such, in order to further prosecution, examiner will give the broadest

reasonable interpretation for the particular limitation. Further corrections are needed.

Claim Rejections - 35 USC § 103

8.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set
> forth in section 102 of this title, if the differences between the subject matter sought to be patented and
> the prior art are such that the subject matter as a whole would have been obvious at the time the
> invention was made to a person having ordinary skill in the art to which said subject matter pertains.
> Patentability shall not be negatived by the manner in which the invention was made.

9.   Claims 1-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over

Fedorov (US Patent No. 6,047,060) filed on February 20, 1998, in view of

Miloslavsky (US Patent No. 6,021,428) filed January 22, 1998, and further in view

of Shaffer (US Patent No. 6,363,145) filed on August 17, 1998.

Regarding Claims 1 and 11, Fedorov discloses a method for improving

transactions in a communication system, comprising:

monitoring a data session (column 5, lines 26-29, Fedorov) between at

least one of first and second parties (column 7, lines 56-59, Fedorov)[1] in a

transaction in the communication system (column 10, lines 48-55, Fedorov).

However, Federov is silent with respect to the data session being a non-voice

data session. On the other hand, Miloslavsky discloses a non-voice data session

(column 36, lines 21-36, Miloslavsky)[2]. Federov and Miloslavsky are analogous

art because they are from the same field of endeavor of a telephone call-in-

center. It would have been obvious to one of ordinary skill in the art at the time of

the invention to incorporate Miloslavsky's teachings into the Federov system. A

skilled artisan would have been motivated to combine as suggested by

Miloslavsky at columns 1-2, lines 58-67 and 1-2, respectively, in order to

introduce the Internet together with advances in computer hardware and software

to lead to a new multi-media telephone system, known as Internet protocol

network telephony (IPNT). As a result, the use of the IPNT allows for the

improved handling of more calls faster and the improvement of other services in

every way. Therefore, the combination of Federov in view of Miloslavsky,

disclose engaging a third party into the transaction (column 7, lines 47-50,

Fedorov) in response to the monitoring of the non-voice data session between

the first and second parties (column 7, lines 56-59, Fedorov). However, the

combination of Fedorov in view of Miloslavsky, are silent with respect to the

monitoring and engaging being done automatically. On the other hand, Shaffer

discloses the automatically monitoring (column 4, lines 17-27, Shaffer) and

automatically engaging (column 5, lines 58-65, Shaffer). Fedorov, Miloslavsky,

and Shaffer are analogous art because they are from the same field of endeavor

of automatic call distributors. It would have been obvious to one of ordinary skill

in the art at the time of the invention to incorporate Shaffer's teachings into the

Fedorov in view of Miloslavsky system. A skilled artisan would have been

motivated to combine in as suggested by Shaffer at column 2, lines 18-23, in

---

[1] Examiner Notes: The agent and the customer represent the first and second parties.

order to provide automated ACD call monitoring. As a result, enabling a

supervisor to utilize information generated by the monitoring during the pendency

of the call and providing a more complete description of agent performance. As

well as allowing a superior official join if needed.

Regarding Claims 2 and 12, the combination of Fedorov in view of

Miloslavsky, and further in view of Shaffer, disclose the method wherein the third

is at least one of a virtual party and an automated input (column 5, lines 37-50,

Shaffer).

Regarding Claim 3, the combination of Fedorov in view of Miloslavsky,

and further in view of Shaffer, disclose the method wherein the third party is

engaged to review at least one of text messages and emails before they are sent

(column 8, lines 8-20 and column 11, lines 21-24, Fedorov).

Regarding Claims 4 and 14 the combination of Fedorov in view of

Miloslavsky, and further in view of Shaffer, disclose the method wherein the third

party engages in a background of the data session of at least one of the first and

second parties (column 7, lines 50-54, Fedorov)[3].

---

[2] Examiner Notes: The e-mails represent an example of a non-voice data session.
[3] Examiner Notes: Since the supervisor is talking to the agent and not both, the supervisor is participating in the background of the call.

Regarding Claims 5 and 15, the combination of Fedorov in view of Miloslavsky, and further in view of Shaffer, disclose the method wherein the third party engages in a foreground of the data session (column 8, line 29, Fedorov) to reduce stress levels of at least one of the first and second parties (columns 7-8, lines 66-67 and 1-5, respectively, Shaffer).

Regarding Claims 6 and 16, the combination of Fedorov in view of Miloslavsky, and further in view of Shaffer, disclose the method wherein the third party communicates only with one of the first and second parties (column 8, lines 27-35, Fedorov)[4].

Regarding Claims 7 and 17, the combination of Fedorov in view of Miloslavsky, and further in view of Shaffer, disclose the method wherein the third party communicates with both of the first and second parties (column 8, lines 27-35, Fedorov)[5].

Regarding Claims 8 and 18, the combination of Fedorov in view of Miloslavsky, and further in view of Shaffer, disclose the method wherein the monitoring of the data session between the first and second parties is conducted in real-time (column 7, lines 50-54, Fedorov).

Regarding Claims 9 and 19, the combination of Fedorov in view of

Miloslavsky, and further in view of Shaffer, disclose the method wherein the

monitoring of the data session is conducted by at least one of; analyzing a

respective voice signal of at least one of the first and second parties (column 4,

lines 34-39, Shaffer), converting a respective voice signal of at least one of the

first and second parties to text and analyzing the text (column 9, lines 35-39,

Fedorov), and analyzing a physical stress level of at least one of the first and

second parties (column 6, lines 48-52, Shaffer).

Regarding Claim 10, the combination of Fedorov in view of Miloslavsky,

and further in view of Shaffer, disclose the method wherein the automatic

monitoring comprises automatic inspection of content of data messages, text

messages, and emails (column 36, lines 9-36, Miloslavsky), and wherein

detection of problematic phrases within the content engages the third party

(column 5, lines 29-36, Shaffer).

Regarding Claim 13, the combination of Fedorov in view of Miloslavsky,

and further in view of Shaffer, disclose the apparatus wherein one of the parties

in the transaction is a customer, wherein the monitoring comprises automatically

detecting an indication by the customer that they desire to deal with a supervisor

---

4 Examiner Notes: "To communicate with the agent transparent to the caller" corresponds to only
communicating with one of the parties (i.e. the agent).
5 Examiner Notes: "To participate in the calls" corresponds to communicate with both parties.

and wherein the means for automatically engaging engages the supervisor is

response thereto (column 4, lines 44-63 and column 5, lines 29-65, Shaffer).

Regarding Claim 20, the combination of Fedorov in view of Miloslavsky,

and further in view of Shaffer, disclose a system for improving transactions in a

communication system comprising:

a computerized transaction handling system, which handles non-voice

data sessions (column 36, lines 21-36, Miloslavsky) between at least one of first

and second parties (column 7, lines 56-59, Fedorov) in a transaction in the

communication system (column 10, lines 48-55, Fedorov);

a computerized sub-system associated with the transaction handling

system, which automatically monitors at least some of the non-voice data

sessions (column 4, lines 17-27, Shaffer); and

a computerized sub-system associated with the transaction handling

system which automatically engages (column 5, lines 58-65, Shaffer) a third

party into the transaction (column 7, lines 47-50, Fedorov) in response to

detection in real-time of at least one target parameter by the automatic

monitoring (column 7, lines 50-54, Fedorov).

Response to Arguments

Applicant argues in regards to the 35 USC 112, first paragraph, rejection for lack of written description of the limitation "monitoring a <u>non-voice</u> data session". In particular, applicant argues that non-voice data sessions are data sessions not involving voice such as text messages, data messages, and e-mails, as described throughout the specification.

Examiner respectfully disagrees. To begin, the applicant clarifies that the non-voice data sessions are described throughout the specification, which refer to text messages, data messages, and e-mails. However, the examiner believes that the claimed limitation of a "non-voice data session" is a broader limitation than what the specification supports. For example, the applicant's specification permits text messages, data messages, and e-mails as its form of data sessions, however, a non-voice data session could be not only encompass the above stated examples, but also include facsimile messages, instant messages, etc. As a result, the applicant's specification is still believed to not support the amended feature of a 'non-voice data session' and therefore, the 35 U.S.C. 112, first paragraph, rejection is MAINTAINED.

Applicant argues, Miloslavsky teaches routing of e-mails to agents and therefore, the combination of Federov in view of Miloslavsky, do not teach "monitoring of e-mail".

Examiner respectfully disagrees. To begin, in response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the feature upon which applicant relies (i.e., "monitoring of e-email") is not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993). Next, the examiner agrees that Miloslavsky teaches routing e-mails to agents, however, Miloslavsky also teaches monitoring non-voice data sessions (i.e., e-mails) and the ability to provide conversion between e-mail and telephone attributes, if needed. For example, Miloslavsky discloses the step of monitoring non-voice data sessions when "*One aspect of the present invention is a system for automatically routing the e-mails to the most qualified and available support person. For example, a support person may be an expert in one product of ABC. All e-mails related to this product will be routed to this person automatically. Further, the system can distribute the load so that every support person receives approximately the same number of e-mails. As a result, the problems of the prior art systems can be solved...Note that the criteria for determining whether a support person is available is not limited to e-mail activities. This is because the same support person may provide telephone and facsimile support to customer inquiries. Thus, the "availability" of a support person may involve a combination of activities involving telephone, facsimile, e-mail, data processing, etc*" (column 36, lines 21-36) and "*Upon receiving the e-mail, the support person processes the e-mail using computer 6122. If there is a need to send a reply, the support person writes the reply (step 6162), and directs e-mail server 6102 to deliver the reply to a recipient connected to data network 6104 (step 6164)...For example, if an incoming mail is not answered by the selected support person within a predetermined time interval (e.g., three days), the mail is re-routed to another qualified and available support person. This strategy prevents mails from being dropped*" (column 38, lines 49-60). The preceding excerpts show that the systems

non-voice data sessions are represented by e-mail communications between customers

and a support person. The e-mail communications are analyzed and forwarded to the

most qualified support person for handling of specific information. Once the information

has been forwarded, the support person proceeds to write and deliver the reply back to

the recipient. However, if the incoming e-mail is not answered by the support person

within a predetermined time, the e-mail is re-routed. The handling of the e-mail from

receiving the e-mail, deciphering the best person for the inquiry, and further making

sure a response is sent out in a timely fashion demonstrated the monitoring of the non-

voice data sessions. Lastly, the system of Miloslavsky is equipped with an e-mail-to-CTI

(computer telephony integration) server adapter, which is used to interchangeably

provide conversions between e-mail attributes and telephone attributes (see column 37,

lines 9-23 and 55-67). Thereby, Miloslavsky's system is setup to work with both voice

communications as well as non-voice communications and would be a logical transition

into the Federov system.

Applicant argues, Shaffer does not teach automatically engaging but instead

teaches merely notifying the supervisor and presenting options that the supervisor can

subsequently select.

Examiner respectfully disagrees. Shaffer states "*If demands on the first agent terminal's*

processor resources increase to an extent that the agent terminal can no longer continue to perform the

automated monitoring, the agent voice data, the customer voice data, and the monitoring session data

can be transmitted to the supervisor terminal 14 or the gateway 16, where the monitoring session can be

continued" (column 5, lines 58-65). The preceding excerpt discloses when a first agent is

unable to continue to perform the automated monitoring, then the agent's voice data,

the customer's voice data, and the monitoring session data is transmitted to the

supervisor for the monitoring session to continue. As such, the supervisor is

automatically involved (i.e., engaged) within the monitoring session of the data session.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time

policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE

MONTHS from the mailing date of this action. In the event a first reply is filed within

TWO MONTHS of the mailing date of this final action and the advisory action is not

mailed until after the end of the THREE-MONTH shortened statutory period, then the

shortened statutory period will expire on the date the advisory action is mailed, and any

extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

the advisory action. In no event, however, will the statutory period for reply expire later

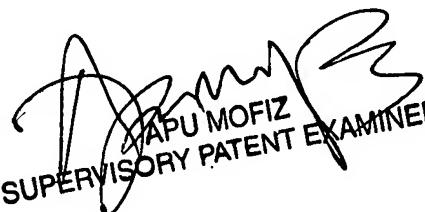than SIX MONTHS from the mailing date of this final action.

Points of Contact

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Chelcie Daye whose telephone number is 571-272-3891. The examiner can normally be reached on M-F, 7:00 - 4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Apu Mofiz can be reached on 571-272-4080. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Chelcie Daye
Patent Examiner
Technology Center 2100
September 12, 2007

APU MOFIZ
SUPERVISORY PATENT EXAMINER